



Department of Environmental Protection

April 25, 2006

Jeb Bush
Governor

Colleen M. Castille
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CDM Constructors, Inc.
2301 Maitland Center Parkway, Suite 300
Maitland, Florida 32751

Attn.: Mr. Richard D. Slovarp
Vice President

Re.: Piney Point Chemical Plant
Notice of Permit Transfer
Permit No. FL0000124
PA File No. FL0000124-004-IWF/MT

Dear Mr. Slovarp:

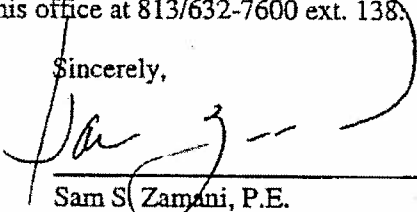
This letter is in response to the requested permit transfer for the Piney Point Phosphates, Inc. - Piney Point Chemical Plant, located in Manatee County and now under receivership. Permit No. FL0000124 (PA File No. FL0000124-001-IW1S/NR), which was formerly issued to Piney Point Phosphates, Inc. and is administratively continued under Section 62-620.335(3) of the Florida Administrative Code, has now been transferred to CDM Constructors, Inc. and will henceforth be referenced under Permit No. FL0000124. The permit was administratively continued since an application for permit renewal was filed timely as allowed in the rule cited above.

Please note that Condition No. 2. of the signed Administrative Agreement states, "Within 270 days from transfer of NPDES Wastewater Permit Number FL0000124 to CDM Constructors, Inc., the Contractor shall submit an amended permit application request for the continued closure and long-term care of the phosphogypsum stack system (Piney Point facility), which includes management of phosphogypsum stack pore water and stormwater." The date of this notice initiates the referenced 270-day submittal period.

The enclosed Administrative Agreement will continue in-force until the Department takes Final Agency Action on re-issuance of the NPDES Wastewater Permit No. FL0000124.

If you have any questions, please do not hesitate to contact this office at 813/632-7600 ext. 1383.

Sincerely,



Sam S. Zamani, P.E.
Administrator
Phosphate Management
Bureau of Mine Reclamation

Enclosure
SSZ/biv

"More Protection, Less Process"

Printed on recycled paper.

The undersigned duly designated deputy clerk hereby certifies that this NOTICE OF PERMIT TRANSFER and all copies were mailed by certified mail before the close of business on the date indicated below to the listed persons.

Janet Gray 4/25/06
Clerk Date

cc: John A. Coates, P.E., FDEP-BOMR/TLH
Elsa A. Potts, P.E., FDEP-WM/TLH
Michael J. Tanski, FDEP-BWFR/TLH
Francine M. Ffolkes, Esquire, FDEP-OGC/TLH
Roosevelt Childress, EPA-Region IV/ATL
Neal M. Parker, Sr., P.G., MCEMD
Jason M. Gorrie, P.E., CDM Contractors

**BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

IN THE TALLAHASSEE OFFICE OF THE DEPARTMENT

In regards to:

CDM CONSTRUCTORS, INC.
13300 U.S. Highway 41 North
Palmetto, FL 34221-8661

Piney Point Phosphates Plant
Wastewater Permit No. FL0000124
FDEP FILE NO. FL0000124-002-AA

ADMINISTRATIVE AGREEMENT

This Administrative Agreement is entered into between the State of Florida Department of Environmental Protection ("Department") and CDM Constructors, Inc. ("Contractor"), as a binding agreement for the operation of a wastewater facility associated with the closure and long-term care of the phosphogypsum stack system, as described in this Administrative Agreement.

1. The Department and CDM Constructors, Inc. agree to the following facts:
 - a. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes (F.S.), and the rules promulgated thereunder, Title 62, Florida Administrative Code (F.A.C.). The Department has jurisdiction over the matters addressed in this Administrative Agreement. The Department contends that the facility referenced in this Administrative Agreement is subject to one or more of the following; Section 403.088, Florida Statutes, and Chapters 62-160, 62-302, 62-620, 62-660, 62-520, 62-522, 62-550, 62-672, and 62-673 F.A.C.
 - b. CDM Constructors, Inc. is a person within the meaning of Section 403.031(5), of the Florida Statutes.
 - c. On October 6, 1999, Wastewater Permit No. FL0000124 [FDEP File No. FL0000124-001, herein referred to as the Wastewater Permit] was issued to Piney Point Phosphates, Incorporated for the operation of a phosphate fertilizer manufacturing facility including a phosphogypsum stack system and the discharge of treated wastewater through two outfalls, 002 and 003. Outfall 002 discharges into Piney Point Creek, which empties into Tampa Bay. Outfall 003 discharges into Buckeye Road ditch, which flows into Bishops Harbor and thence to Tampa Bay. The permit had an expiration date of March 25, 2001. The facility is located at 13300 Highway 41 North, Palmetto in Manatee County, Florida and geographically at:

Latitude: 27° 53' 30" N Longitude: 81° 57' 30" W.
 - d. On September 22, 2000, Piney Point Phosphates, Incorporated submitted an application [FDEP File No. FL0000671-002] for the renewal of the Wastewater Permit.
 - e. On December 4, 2000, the Department issued a denial for the renewal of the Wastewater Permit [FDEP File No. FL0000124-002] to Piney Point Phosphates, Incorporated.
 - f. On December 13, 2000, Piney Point Phosphates, Incorporated filed a Petition For Extension Of Time To File A Petition For An Administrative Hearing with the Department. On February 7, 2001, Piney Point Phosphates, Incorporated filed a second Petition For Extension Of Time To File A Petition For An Administrative Hearing and also filed a petition for formal administrative proceedings.
 - g. On February 8, 2001, Piney Point Phosphates, Incorporated filed a Chapter 11 petition for reorganization with the United States Bankruptcy Court that was converted to Chapter 7 on August 15, 2001.

- h. Piney Point Phosphates, Incorporated retains ownership of the Piney Point facility including the phosphogypsum stack, cooling ponds, slurry walls, conveyance ditches, related pipes and pumps, and all real estate property beneath the same.
 - i. On February 23, 2005 the Contractor entered into DEP Contract Number No. SP644 (Contract) with the Department pursuant to which the Contractor will provide services to the Department relating to the closure and long term care of the Phosphogypsum Stack System with the intent of minimizing the present environmental risks at the Piney Point Phosphates Facility, closing the Phosphogypsum Stack System, treatment and disposal of all process water, long-term care of the facility including the closed Phosphogypsum Stack System, and other services as more fully detailed in the Contract.
2. The Contractor will submit, no later than 30 days from receipt of written Department notice to request transfer, a completed "Application for Transfer of a Wastewater Facility or Activity Permit" [DEP Form 62-620.910(11)] to transfer the NPDES Wastewater Permit Number FL0000124 [PA File No. FL0000124-002-FWIS/NR] to CDM Constructors, Inc. Within 270 days from transfer of NPDES Wastewater Permit Number FL0000124 to CDM Constructors, Inc., the Contractor shall submit an amended permit application request for the continued closure and long-term care of the phosphogypsum stack system (Piney Point facility), which includes management of phosphogypsum stack pore water and stormwater.

This Administrative Agreement will continue in-force until the Department takes Final Agency Action on re-issuance of the NPDES Wastewater Permit No. FL0000124.

3. Having reached a resolution of the matter, the Department and CDM Constructors, Inc. mutually agree and enter into the following:
 - a. CDM Constructors, Inc. commits and agrees to comply with the conditions of the Administrative Agreement while it is in effect.
 - b. The Department agrees that the interim surface water discharge limits in Section 5. below may be included in an Administrative Order that will accompany the re-issued Wastewater Permit. The interim surface water discharge limits will apply until such time as closure of the phosphogypsum stack system is complete.
4. The Interim Conditions, listed in Parts 5. through 10. below, will remain in effect for the full term of this Administrative Agreement.
5. Surface Water Discharges – Interim

The Contractor shall comply with the interim limits referenced below beginning on the effective date of this Administrative Agreement and ending as specified in the paragraphs above. During this interim period, the Contractor is authorized to discharge treated non-process wastewater and stormwater from Outfall 002, and treated process wastewater, groundwater pumpage as specified in Part 5.r., and stormwater from Outfall 003. Such discharges shall be limited and monitored by the Contractor as specified below: (Final effluent limitations and monitoring requirements will be addressed upon renewal of NPDES Wastewater Permit No. FL0000124 per Part 2. above.

- a. Discharge from Outfall 002:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Minimum	Monthly Average	Daily Maximum	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	N/A	Report	Report	Continuous	Recorder	EFF-02
pH (SU) (See Parts 5.g. & 5.h.)	6.0	Report	8.5	Continuous	Recorder	EFF-02
Specific Conductance (Effluent) (UMHO/CM)	N/A	Report	1275.0 (See Part 5.c.)	1/week	Grab	EFF-02
Temperature (F), Water (DEG.F) (See Part 5.h.)	N/A	Report	Report	1/week	Grab	EFF-02

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Minimum	Monthly Average	Daily Maximum	Monitoring Frequency	Sample Type	Sample Point
Dissolved Oxygen (DO) (MG/L)	5.0	Report	N/A	1/week	Grab	EFF-02
Solids, Total Suspended (TSS) (MG/L)	N/A	Report	Report	1/week	Grab	EFF-02
Nitrogen, Total Ammonia (as N) (MG/L) (See Part 5.h.) *	N/A	Report	Report	1/week	Grab	EFF-02
Ammonia, Unionized (as NH ₃) (MG/L) (See Part 5.h.) *	N/A	Report	0.02	1/week	Calculated	EFF-02
Nitrogen, Total (as N) (MG/L) (See Part 5.k.) *	N/A	Report	Report	1/week	Grab	EFF-02
Nitrogen, Total (as N) (LBS/DAY) (See Part 5.k.) *	N/A	Report	Report (See Part 5.j.)	1/week	Calculated	EFF-02
Phosphorus, Total (as P) (MG/L) (See Part 5.k.) *	N/A	Report	Report	1/week	Grab	EFF-02
Phosphorus, Total (as P) (LBS/DAY) (See Part 5.k.) *	N/A	Report	Report (See Part 5.j.)	1/week	Calculated	EFF-02
Fluoride, Total (as F) (MG/L) *	N/A	Report	10.0	1/week	Grab	EFF-02
Turbidity (NTU)	N/A	Report	(See Part 5.p.)	1/week	Grab	EFF-02
Whole Effluent Toxicity - Acute *	(See Part 5.l.)					EFF-02

* Sampling for these parameters is not required for stormwater only discharges.

b. Discharge from Outfall 003:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Minimum	Monthly Average	Daily Maximum	Monitoring Frequency	Sample Type	Sample Point
Flow, (MGD)	N/A	Report	Report (See Part 5.r.)	Daily	Grab	EFF-03
pH (SU) (See Parts 5.g. & 5.h.))	6.0	Report	8.5	Daily	Grab	EFF-03
Specific Conductance (Effluent) (UMHO/CM)	N/A	Report	Report	Daily	Grab	EFF-03
Temperature (C), Water (DEG.C) (See Part 5.h.)	N/A	Report	Report	Daily	Grab	EFF-03
Dissolved Oxygen (DO) (MG/L)	5.0	Report	N/A	Daily	Grab	EFF-03
Solids, Total Suspended (TSS) (MG/L)	N/A	Report	Report	1/week	24-hr. composite	EFF-03
Nitrogen, Ammonia, Total (as N) (MG/L) (See Part 5.h.)	N/A	Report	Report	1/week	Grab	EFF-03
Nitrogen, Ammonia, Total (as N) (LBS/DAY) (See Part 5.k.)	N/A	50	100	1/week	Grab	EFF-03
Ammonia, Unionized (as NH ₃) (MG/L) (See Part 5.h.)	N/A	Report	0.02	1/week	Calculated	EFF-03
Nitrogen, Total (as N) (MG/L)	N/A	Report	Report	1/week	Grab	EFF-03
Nitrogen, Total (as N) (LBS/DAY) (See Part 5.k.)	N/A	Report	Report	1/week	Calculated	EFF-03
Phosphorus, Total (as P) (MG/L)	N/A	Report	Report	1/week	24-hr. composite	EFF-03

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Minimum	Monthly Average	Daily Maximum	Monitoring Frequency	Sample Type	Sample Point
Phosphorus, Total (as P) (LBS/DAY) (See Part 5.k.)	N/A	Report	Report	1/week	Calculated	EFF-03
Phosphate, Ortho (as P) (MG/L)	N/A	9.0	Report	1/week	Grab	EFF-03
Nitrogen, Nitrate + Nitrite (as N) (MG/L)	N/A	1.0	Report	1/week	Grab	EFF-03
Nitrogen, Total Organic (as N) (MG/L)	N/A	4.0	Report	1/week	Grab	EFF-03
Fluoride, Total (as F) (MG/L)	N/A	Report	10.0 (See Part 5.o.)	1/week	24-hr. composite	EFF-03
Turbidity (NTU)	N/A	Report	(See Part 5.p.)	1/week	Grab	EFF-03
Alkalinity (MG/L)	20	N/A	N/A	1/month	24-hr. composite	EFF-03
Aluminum (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Arsenic (UG/L)	N/A	N/A	50	1/month	24-hr. composite	EFF-03
Barium (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Beryllium (UG/L)	N/A	0.13 Annual Average	N/A	1/month	24-hr. composite	EFF-03
Biological Oxygen Demand (MG/L)	N/A	N/A	Report (See Part 5.t.)	1/month	24-hr. composite	EFF-03
Cadmium (UG/L)	N/A	N/A	Report (See Part 5.u.)	1/month	24-hr. composite	EFF-03
Calcium (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Chemical Oxygen Demand (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Chloride (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Chromium [III] (UG/L)	N/A	N/A	Report (See Part 5.u.)	1/month	24-hr. composite	EFF-03
Color (PCU)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Copper (UG/L)	N/A	N/A	Report (See Part 5.u.)	1/month	24-hr. composite	EFF-03
Iron (MG/L)	N/A	N/A	1.0	1/month	24-hr. composite	EFF-03
Lead (UG/L)	N/A	N/A	Report (See Part 5.u.)	1/month	24-hr. composite	EFF-03
Magnesium (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Manganese (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Nickel (UG/L)	N/A	N/A	Report (See Part 5.u.)	1/month	24-hr. composite	EFF-03
Potassium (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Selenium (UG/L)	N/A	N/A	5.0	1/month	24-hr. composite	EFF-03
Silica (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Daily Minimum	Monthly Average	Daily Maximum	Monitoring Frequency	Sample Type	Sample Point
Silver (UG/L)	N/A	N/A	0.07	1/month	24-hr. composite	EFF-03
Sulfate, Total (MG/L)	N/A	Report	Report	1/month	24-hr. composite	EFF-03
Total Dissolved Solids (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Total Hardness (as CaCO ₃) (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Total Organic Carbon (MG/L)	N/A	N/A	Report	1/month	24-hr. composite	EFF-03
Zinc (UG/L)	N/A	N/A	Report (See Part 5.u.)	1/month	24-hr. composite	EFF-03
Alpha, Gross Particle Activity (PCI/L) (See Part 5.f.)	N/A	Report	15.0	1/month	24-hr. composite	EFF-03
Radium 226 + Radium 228, Total (PCI/L) (See Part 5.f.)	N/A	Report	5.0	1/month	24-hr. composite	EFF-03
Whole Effluent Toxicity - Acute	(See Part 5.l.)					EFF-03

- c. Specific Conductance of discharges from Outfall 002 shall be limited in accordance with Rule 62-302.530(23), F.A.C., for Class III fresh waters of the State. The permittee shall sample the background station (SWB-02, see Condition 9.i.) for specific conductance at the same frequency as effluent specified in Condition 5.a. above. The measured effluent value for the (each) outfall shall be recorded on the monitoring report in a parameter row entitled "Specific Conductance (effluent)." The measured background value shall be recorded in a parameter row entitled "Specific Conductance (background)." The calculated effluent limit shall be recorded in a parameter row entitled "Specific Conductance (calculated limit)." Compliance with the effluent limitation is determined by calculating the difference between the measured effluent value and the calculated. The compliance value shall be recorded in a parameter row entitled "Specific Conductance (effluent minus calculated limit)." If the compliance value is greater than 0.00, the permittee will be considered in violation of the limitation.
- d. There shall be no discharge of floating solids or visible foam in other than trace amounts. [62-302.500, F.A.C.]
- e. The discharge shall not cause a visible sheen on the receiving water. [62-302.500, F.A.C.]
- f. The concentration of combined radium 226 & 228, as well as gross alpha particle activity in the discharge shall be limited in accordance with Rules 62-302(58)(a), and 62-302(58)(b), F.A.C., respectively. During any sampling event performed in accordance with the monitoring requirements of 5.b. above, a properly preserved sample must be taken for the determination of gross alpha activity as well as combined radium (Ra²²⁶⁺²²⁸). The sample must be first analyzed for gross alpha activity. If the value of gross alpha activity equals or exceeds the MCL of 15 pCi/l, the same sample shall be analyzed for combined radium.
- g. The pH of the discharge shall be limited in accordance with the provisions of Rule 62-302.530(52)(c), F.A.C., for Class III fresh waters of the State.
- h. Effluent samples for pH and temperature shall be taken simultaneously with each total ammonia nitrogen grab sample. Un-ionized ammonia shall be calculated in accordance with Table I (attached). All measured values for pH, temperature, and total ammonia used to calculate an un-ionized ammonia value shall be reported as an attachment to the monitoring report. All calculated un-ionized ammonia values shall also be reported on the attachment. The daily maximum value for un-ionized ammonia for each reporting period shall be reported in the report. Total ammonia nitrogen shall also be measured and recorded daily, when discharging, at Outfall 003 using a probe.
- i. Unless specified elsewhere in the Administrative Agreement, approved sampling stations shall be at the designated outfall structures. Samples shall be taken at the nearest accessible point after final treatment but

prior to the actual mixing with the receiving water to achieve compliance with the monitoring requirements specified in Conditions 5.a. and 5.b. above.

- j. The Contractor shall monitor and report loading for total nitrogen (as N) and total phosphorus (as P) from Outfall 002 as listed in Condition 5.a. above. The facility shall only be operated as authorized by this Administrative Agreement and shall make no changes outside of the scope of this authorization, which would increase nutrient loading above historic values without prior approval from the Department. The total nitrogen and total phosphorus target load limits are fixed as follows:

- (1) A target mass load from Outfall 002 for total nitrogen of 2,729 lbs/year has been calculated based upon historical water quality and estimated flow of 109 MG/year. The target nitrogen loading for a 5-year period shall be limited to 13,645 lbs.

If the total nitrogen target values and/or the total phosphorus target values are exceeded for the discharge from Outfall 002 authorized by this Administrative Agreement, the Contractor shall immediately contact the Department within 3 days and within 7 days submit a written explanation for the exceedance. The Contractor shall also describe what follow-up action is necessary, if any, to provide reasonable assurance that the requirements of Florida Administrative Code Rule 62-302.530(48) [Nutrients] will be met and to prevent reoccurrence of the exceedance, which is inconsistent with the requirements of this condition.

- k. The reported nutrient loadings for Total Nitrogen and Total Phosphorus are to be calculated using the total daily flow recorded for the day on which the sample is taken.
- l. The permittee shall initiate the series of tests described below on a bi-annually basis, unless otherwise directed by the Department in writing, to evaluate whole effluent toxicity of the discharge from Outfalls 002 and 003. All test species, procedures and quality assurance criteria used shall be in accordance with Methods for Measuring Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, 5th ed., EPA821-R-02-012, or the most current edition.

The control water and the effluent used will be adjusted to an appropriate salinity using artificial sea salts as described in EPA 821-R-02-012, Section 7.2.4, or the most current edition. The appropriate tests salinity shall be determined as follows:

- When the salinity of the effluent is between 1 and 6 parts per thousand (ppt), the following salinity adjustment shall be used in the test of 100% effluent. For the Americamysis bahia bioassays, the effluent and the control (0% effluent) shall be adjusted to a salinity of 6-7 ppt for the 100% effluent test using artificial sea salts. No salinity adjustment shall be done for the Menidia beryllina bioassay test of the 100% effluent.
- When the salinity of the effluent is greater than 6 parts per thousand, no salinity adjustment shall be made and the test shall be run at the effluent's salinity for both species.

A standard reference toxicant quality assurance (QA) acute toxicity test shall be conducted concurrently or no greater than 30 days before the date of the "routine" test, with each species used in the toxicity tests. The results of all QA toxicity tests shall be submitted to the Department as specified in Part 6.c. below. Any deviation from the bioassay procedures outlined herein shall be submitted in writing to the Department for review and approval prior to use.

- (1) (a) The permittee shall conduct 96-hour acute static renewal toxicity tests using the mysid shrimp, Americamysis bahia, and the inland silverside, Menidia beryllina. All routine tests will be conducted on a single grab sample of 100% effluent.
- (b) If control mortality exceeds 10% for either species in any test, the test for that species (including the control) shall be repeated. A test will be considered valid only if control mortality does not exceed 10% for either species. If, in any separate grab sample test, 100% mortality occurs prior to the end of the test, and control mortality is less than 10% at that time, that test (including the control) shall be terminated with the conclusion that the sample demonstrates unacceptable acute toxicity.
- (2) (a) The toxicity tests shall be performed on a bi-annual basis, once during the wet season (July through September) and once during the dry season (December through February). These tests are referred to as "routine" tests.

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- (b) Results from "routine" tests shall be reported according to EPA 821-R-02-012, Section 12, Report Preparation (or the most current edition), and shall be submitted to the Department at the address listed in Part 6.b. below.
- (c) Results from "routine" tests shall be reported in the report to the Department per Part 6.c. in the following manner:
 - i. If greater than 50% mortality occurs in the grab sample test for the test species, "<100" (less than 100% effluent) should be entered for that test species.
 - ii. If 50% or less mortality occurs in the grab sample test for the test species, ">100" (greater than 100% effluent) should be entered for that test species.
 - iii. For each additional test required, the calculated LC50 value should be entered for that test species.
- (3) (a) All "routine" tests shall be conducted using a control (0% effluent) and one test concentration of 100% final effluent.
- (b) For the duration of this Administrative Agreement, unless otherwise directed in writing by the Department the acute toxicity tests described herein shall be conducted as "monitoring/report only".
- (4) (a) If unacceptable acute toxicity (greater than 50% mortality in any grab sample of 100% effluent) is determined in a "routine" test, the permittee shall conduct three additional tests on each species indicating acute toxicity. The first additional test will include a single grab sample taken as described in (1)(a) above and run as a definitive analyses. The second and third additional definitive tests will be run on a single grab sample collected on the day and time as the "routine" test. Results for each additional test will include the determination of LC50 values with 95% confidence limits.
- (b) Each additional test shall be conducted using a control (0% effluent) and a minimum of five dilutions: 100%, 50%, 25%, 12.5% and 6.25% effluent. The dilution series may be modified in the second and third test to more accurately identify the toxicity, such that at least two dilutions above and two dilutions below the target toxicity and a control (0% effluent) are run.
- (c) For each additional test, the sample collection requirements and the test acceptability criteria specified in section (1) above must be met for the test to be considered valid. The first test shall begin within two weeks of the end of the "routine" tests, and shall be conducted weekly thereafter until three additional, valid tests are completed. The additional tests will be used to determine if the unacceptable toxicity found in the "routine" test is still present.
- (d) Results from additional tests, required due to unacceptable toxicity in the "routine" tests, shall be submitted in a single report prepared according to EPA 821-R-02-012, Section 12, or the most current edition and submitted within 45 days of completion of the third additional, valid test. Upon completion of the third additional test, the permittee will meet with the Department within 30 days of the report submittal to identify corrective actions necessary to remedy the unacceptable toxicity.
- m. When Outfall 003 is discharging, the Contractor shall collect water samples from Instream Monitoring Stations SWB-03 (X-1), SWD-03 (X-2), AR, and BR/41 as shown in Figure 3, located upstream and downstream from Outfall 003, and monitor as described below:

Parameters (units)	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Frequency	Sample Type
Flow, (SWB-03 only) (cfs)	N/A	Report	Report	Daily	Estimation
pH (su)	Report	Report	Report	Daily	Grab
Specific Conductivity (µmhos/cm)	N/A	Report	Report	Daily	Grab
Temperature (°C)	N/A	Report	Report	Daily	Grab
Turbidity (NTUs)	N/A	Report	Report	Daily	Grab
Dissolved Oxygen (mg/l)	N/A	Report	Report	Daily	Grab
Total Ammonia Nitrogen (mg/l)	N/A	Report	Report	1/ week	Grab
Un-ionized Ammonia (mg/l)	N/A	Report	Report	1/ week	Calculation

Parameters (units)	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Frequency	Sample Type
Total Kjeldahl Nitrogen (mg/l)	N/A	Report	Report	1/ week	Grab
Nitrate + Nitrite (mg/l)	N/A	Report	Report	1/ week	Grab
Total Nitrogen (mg/l)	N/A	Report	Report	1/ week	Grab
Total Nitrogen (lbs/day)	N/A	Report	Report	1/ week	Calculation
Total Phosphorus (mg/l)	N/A	Report	Report	1/ week	Grab
Total Phosphorus (lbs/day)	N/A	Report	Report	1/ week	Calculation
Total Fluoride (mg/l)	N/A	Report	Report	1/ week	Grab
Total Suspended Solids [TSS] (mg/l)	N/A	Report	Report	1/ week	Grab

SWB-03 (X1) = Upstream background station in the Buckeye Road ditch (south side).

003 = Discharge Outfall.

BR/41 = Downstream station in the Buckeye Road ditch (north side) east of U.S. 41.

SWD-03 (X2) = Downstream station in the U.S. 41 ditch (west side) where the Buckeye Road ditch joins.

AR = Downstream station in the CSX Railroad ditch at Armstrong Road (south side).

- n. When Outfall 002 is discharging, the Contractor shall collect water samples from Instream Monitoring Stations SWB-02 and SWD-02 (see Figure 4), located upstream and downstream respectively from Outfall 002. Since the locations are yet to be determined (see Condition 9.i.), monitoring at these locations shall begin within 30 days following receipt of written Departmental approval. The stations shall be monitored as described below:

Parameters (units)	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Frequency	Sample Type
Total Nitrogen (mg/l)	N/A	Report	Report	1/ week	Grab
Total Phosphorus (mg/l)	N/A	Report	Report	1/ week	Grab
pH (su)	Report	Report	Report	1/ week	Grab
Specific Conductivity (µmhos/cm)	N/A	Report	Report	1/ week	Grab
Turbidity (NTUs)	N/A	Report	Report	1/ week	Grab

- o. Samples shall be taken at the monitoring site locations listed in Conditions 5.a., 5.b., 5.m., and 5.n. as described in the table below:

Sample Point	Latitude	Longitude	Description of Monitoring Location
EFF-02	27° 53' 30" N	81° 57' 30" W	Non-process Outfall 002
EFF-03	27° 53' 00" N	81° 56' 45" W	Outfall 003 - Southeast of process water ponds
SWB-02	TBD (See Condition 9.j.)	TBD (See Condition 9.j.)	To Be Determined (See Condition 9.i.)
SWD-02	TBD (See Condition 9.j.)	TBD (See Condition 9.j.)	To Be Determined (See Condition 9.i.)
SWB-03	TBD (See Condition 9.j.)	TBD (See Condition 9.j.)	Upstream background station in the Buckeye Road ditch (south side) (see Figure 4)
SWD-03	TBD (See Condition 9.j.)	TBD (See Condition 9.j.)	Downstream station in the U.S. 41 ditch (west side) where the Buckeye Road ditch joins (see Figure 4)
BR/41	TBD (See Condition 9.j.)	TBD (See Condition 9.j.)	Downstream station in the Buckeye Road ditch (north side) east of U.S. 41 (see Figure 4)
AR	TBD (See Condition 9.j.)	TBD (See Condition 9.j.)	Downstream station in the CSX Railroad ditch at Armstrong Road (south side) (see Figure 4)

- p. Turbidity of the discharge stream shall not be more than 29 NTUs above natural background samples and shall be monitored weekly by grab samples. As such, the Contractor shall propose a natural background monitoring station to the Department for approval; upon approval the Contractor shall sample both the background and effluent for turbidity on a weekly basis.

The limit for Turbidity shall be calculated as follows:

$$\text{Limit} = \text{Background Turbidity} + 29 \text{ NTU}$$

The measured effluent value shall be recorded on the monitoring report in a parameter row entitled Turbidity (effluent). The measured background value shall be recorded in a parameter row entitled Turbidity (background). The calculated effluent limit shall be recorded in a parameter row entitled Turbidity (calculated limit). Compliance with the effluent limitation is determined by calculating the difference between the measured effluent value and the calculated effluent limit. The compliance value shall be recorded in a parameter row entitled Turbidity (effluent minus calculated limit). If the compliance value is greater than 0.00, the Contractor will be considered in violation of the limitation.

- q. The Contractor shall visually examine the receiving waters daily in Buckeye Road ditch and Bishops Harbor to determine damage or mortality to flora or fauna. The Contractor shall immediately discontinue the discharge from Outfall 003 upon observing or receiving Department notification that the discharge water is causing adverse environmental impacts in the receiving surface waters.
- r. The Contractor shall measure, record, and report the total volume, in gallons, of Reverse Osmosis (RO) permeate or other diluent approved by the Department, measured individually, that is pumped into the mixing tank (i.e. the "filtrate" tank) on a daily basis. The flow, in gallons, of the combined effluent (well water or other diluent plus RO permeate) discharged via Outfall D-003 shall also be measured, recorded and reported on a daily basis. The discharge of RO permeate shall be commingled with deep-well groundwater, double lime treated water, or other waters approved by the Department to ensure compatibility of the discharge with the receiving water. The use and reading of totalizing flow meters to measure and record these volumes is approved as an acceptable monitoring protocol.
- s. (1) Additional changes in sampling for the weekly parameters at Outfall 003 will be considered upon review of data collected over a minimum period of six months. Any change to the above schedule must be approved by letter from the Department.
(2) All sampling and analysis shall be performed in accordance with the protocol established under Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.
- t. The Biological Oxygen Demand (BOD) shall not be increased to exceed values which would cause dissolved oxygen to be depressed below the limit established for each class and, in no case, shall it be great enough to produce nuisance conditions. [Rule 62-302.530(12), F.A.C.]
- u. The metals listed below shall be limited as follows:

Cadmium	$\text{Cd} \leq e^{(0.7852[\ln H]-3.49)}$	[Rule 62-302.530(16), F.A.C.]
Chromium (III)	$\text{Cr} \leq e^{(0.819[\ln H]+0.6848)}$	[Rule 62-302.530(20)(a), F.A.C.]
Copper	$\text{Cu} \leq e^{(0.8545[\ln H]-1.702)}$	[Rule 62-302.530(24), F.A.C.]
Lead	$\text{Pb} \leq e^{(1.273 [\ln H]-4.705)}$	[Rule 62-302.530(40), F.A.C.]
Nickel	$\text{Ni} \leq e^{(0.846[\ln H]+0.0584)}$	[Rule 62-302.530(45), F.A.C.]
Zinc	$\text{Zn} \leq e^{(0.8473[\ln H]+0.884)}$	[Rule 62-302.530(71), F.A.C.]

"ln H" means the natural logarithm of total hardness expressed as milligrams/L of CaCO_3 . For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L if actual hardness is less than 25 mg/L and set at 400 mg/L if actual hardness is greater than 400 mg/L.

6. Other Limitations and Monitoring and Reporting Requirements - Interim

- a. The sample collection, analytical test methods and method detection limits (MDLs) applicable to this Administrative Agreement shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantification limits), which is titled "Florida Department of Environmental Protection Table as Required By Rule 62-4.246(4) Testing Methods for Discharges to Surface Water" dated June 21, 1996, is available from the Department on request. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the

Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this Administrative Agreement. Any method included in the list may be used for reporting as long as it meets the following requirements:

- (1) The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;
- (2) The laboratory reported PQL for the specific parameter is less than or equal to the Administrative Agreement limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the Administrative Agreement shall use methods that provide a PQL, which is equal to or less than the applicable water quality criteria stated in 62-302 FAC; and
- (3) If the PQLs for all methods available in the approved list are above the stated Administrative Agreement limit or applicable water quality criteria for that parameter, then the method with the lowest stated PQL shall be used.

Where the analytical results are below method detection or practical quantification limits, the Contractor shall report the actual laboratory MDL and/or PQL values for the analyses that were performed following the instructions on the applicable discharge monitoring report. Approval of alternate laboratory MDLs or PQLs are not necessary if the laboratory reported MDLs and PQLs are less than or equal to the Administrative Agreement limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. However, where necessary, the Contractor may request approval for alternative methods or for alternative MDLs and PQLs for any approved analytical method, in accordance with the criteria of Rules 62-160.520 and 62-160.530, F.A.C.

- b. Monitoring requirements under this Administrative Agreement are effective on the date executed, but in no case prior to March 30, 2005. Until such time, the Contractor shall continue to monitor and report in accordance with previously effective requirements, if any. During the period of operation authorized by this Administrative Agreement, the Contractor shall complete and submit a monitoring report summarizing all monitoring results and discharge volumes once every month to the Department at the address specified below:

Sam S. Zamani, P.E.
Administrator
Florida Department of Environmental Protection
Phosphate Management
8407 Laurel Fair Circle
Tampa, FL 33610-7355.

- c. Unless specified otherwise in this Administrative Agreement, all other reports and notifications required by this Administrative Agreement, including twenty-four hour notifications, shall be submitted to or reported to, as appropriate, the Department at the address specified below:

Florida Department of Environmental Protection
Bureau of Mine Reclamation
Phosphate Management
8407 Laurel Fair Circle
Tampa, FL 33610-7355

Phone Number - (813) 744-6100, Extension 138

FAX Number - (813) 744-6457 (All FAX copies shall be followed by original copies.)

- d. All reports and other information shall be signed in accordance with requirements of Rule 62-620.305, F.A.C.
- e. The Contractor shall provide safe access points for obtaining representative samples required by this Administrative Agreement.
- f. The Contractor shall ensure that all laboratory analytical data submitted to the Department as required by this Administrative Agreement is from a laboratory, which is certified as required by Chapter 62-160, Florida Administrative Code.

- g. If there is no discharge from the facility on a day scheduled for sampling, the Contractor shall collect the sample on the day of the next discharge.
- h. Unless specified elsewhere in the Administrative Agreement, samples taken in compliance with the monitoring requirements specified in Conditions 5.a. and 5.b. shall be taken at the nearest accessible point after final treatment but prior to actual mixing with the receiving water body.
- i. Any bypass of the treatment facility, which is not included in the interim monitoring specified in Conditions 5.a., and 5.b. above, is to be monitored by the Contractor for flow and all other required parameters. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reasonable data. All monitoring results shall be reported to the Department in an appropriate report format.

7. Groundwater Monitoring Requirements – Interim

a. Construction Requirements

- (1) Prior to construction of new ground water monitor wells, a soil boring shall be made at each new monitor well location in order to properly determine the well depth and screen interval.
- (2) The Contractor shall give at least 72-hours notice to the Department, prior to the installation of any monitor wells detailed in this Administrative Agreement.
- (3) Within 30 days after installation of a new monitor well, the Contractor shall submit to the Department's Bureau of Mine Reclamation District Office detailed information on the well's location and construction on the attached DEP Form(s) 62-522.900(3), Monitor Well Completion Report.
- (4) One staff gauge shall be installed within the Seepage Ditch, located north of monitoring well MW-5R; and another staff gauge shall be installed within Buckeye Road Ditch, located north of monitoring well MW-5R. These two staff gauges shall be surveyed and maintained to accurately indicate water elevations in the ditches. The two staff gauges are to be installed within six months of the effective date of this Administrative Agreement.

b. Operational Requirements

- (1) During the period of operation authorized by this Administrative Agreement, the Contractor shall continue to sample ground water at the existing monitor wells identified in Condition 7.b.(2) below, in accordance with this Administrative Agreement and the approved ground water monitoring plan prepared in accordance with Rule 62-522.600, F.A.C. Within 90 days of placing the new or modified wastewater facility into operation, or installation of new monitor wells, whichever occurs sooner, the Contractor shall begin sampling ground water at the new monitor wells identified in Conditions 7.a.(4), 7.a.(5), and 7.b.(2), in accordance with this Administrative Agreement.
- (2) The following monitor wells in the table below shall be sampled for the Groundwater Monitoring Plan (See Figure 2):

Monitor Well ID	Alternate Well Name and/or Description of Monitoring Location	Depth (Feet)	Aquifer Monitored	New or Existing
MWB-1	MW-1; Background	12.0	Surficial	Existing
MWC-2	MW-2; Compliance	TBD	Surficial	Existing
MWI-3	MW-3; Observation	20.0	Surficial	Existing
MWI-4A	MW-4A; Observation	20.0	Surficial	Existing
MWC-5R	MW-5R; Replacement compliance well for MW-5	TBD	Surficial	Existing
MWC-6A	MW-6A; Compliance	66.0	Intermediate	Existing
MWB-7	MW-7; Background	90.0	Intermediate	Existing
MWC-8	MW-8; Compliance	18.0	Surficial	Existing
MWC-9	MW-9; Compliance	17.0	Surficial	Existing
MWB-10A	MW-10A; Background	15.0	Surficial	Existing
MWC-13	MW-13; Compliance	16.0	Surficial	Existing

Monitor Well ID	Alternate Well Name and/or Description of Monitoring Location	Depth (Feet)	Aquifer Monitored	New or Existing
MWC-17	MW-17; Compliance	TBD	Surficial	Existing
MWC-18	MW-18; Compliance	TBD	Surficial	Existing
MWC-19	MW-19; Compliance	TBD	Surficial	Existing
MWC-20	MW-20; Compliance – renamed existing FSU-9	TBD	Surficial	Existing
MWC-21	MW-21; Compliance – Supply Well No. 1	TBD	Floridan	Existing
MWP-1	Piezometer [see section 7.b.(5) below]	TBD	Surficial	Existing

MWB = Background; MWI = Intermediate/Observation; MWC = Compliance; MWP = Piezometer; TBD = To Be Determined

- (3) Routine Sampling - The monitor wells included in the ground water monitoring plan (Condition 7.b.(2)), excluding the piezometer MWP-1, shall be sampled and analyzed by the Contractor for the parameters and at the frequencies listed in the table below:

Parameter Name	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
Water Level Relative to MSL	Report	FEET	In-situ	Quarterly
Temperature (C), Water	Report	DEG.C	In-situ	Quarterly
Specific Conductance	Report	UMHO/CM	In-situ	Quarterly
pH	6.5 to 8.5	SU	In-situ	Quarterly
Turbidity	Report	NTU	Grab	Quarterly
Sodium, Total Recoverable	160	MG/L	Grab	Quarterly
Fluoride	4	MG/L	Grab	Quarterly
Sulfate	250	MG/L	Grab	Quarterly
Total Nitrate + Nitrite	10	MG/L	Grab	Quarterly
Orthophosphate as PO ₄	Report	MG/L	Grab	Quarterly
Total Dissolved Solids	500	MG/L	Grab	Quarterly
Alpha, Gross Particle Activity	15 (See 7.b.(6))	PCI/L	Grab	Quarterly
Radium 226 + Radium 228, Total	5 (See 7.b.(6))	PCI/L	Grab	Quarterly
Arsenic, Total Recoverable	50	UG/L	Grab	Quarterly
Cadmium, Total Recoverable	5	UG/L	Grab	Quarterly
Chromium, Hexavalent Total Recoverable	100	UG/L	Grab	Quarterly
Lead, Total Recoverable	15	UG/L	Grab	Quarterly

- (4) Water levels shall be recorded prior to evacuating the well for sample collection. Measurements, referenced to mean sea level, shall include the top of the well casing, depth to ground water, and the calculated ground water elevation at a precision of plus or minus 0.1 feet. Additionally, water elevations at a precision of plus or minus 0.1 feet shall be collected from the staff gauge in the Seepage Ditch and also the staff gauge in Buckeye Ditch concurrently with the water levels from the monitor wells.
- (5) The piezometer (MWP-1), installed between the seepage ditch and the northern Buckeye Road Ditch and to the immediate north of monitoring well MW-5R, is to be sampled for Water Level (MSL) quarterly from the effective date of the permit. The results shall be submitted per section 6.b. above.
- (6) The concentration of Combined Radium (Ra²²⁶⁺²²⁸), as well as Gross Alpha Particle Activity shall be limited in accordance with Rule 62-550.310(4)(a), F.A.C., respectively. During any sampling event performed in accordance with the monitoring requirements of Condition 7.b.(3) above, a properly preserved sample must be taken for the determination of Gross Alpha Particle Activity and Combined Radium. The sample must be first analyzed for the Gross Alpha Particle Activity. If the value of Gross Alpha Particle Activity exceeds the MCL of 15 pCi/l, the same sample shall be analyzed for Combined Radium.

- (7) If a monitor well becomes damaged or cannot be sampled for some reason, the Contractor shall notify the Department with a written report within seven days detailing the circumstances and remedial measures taken or proposed. Replacement of the monitor wells shall be approved in advance by the Department. [Section 62-620.610(7), F.A.C.]
- (8) Analyses shall be conducted on un-filtered samples, unless filtered samples have been approved by the Department as being more representative of ground water conditions.
- (9) All sampling procedures and field activities required by this Administrative Agreement must follow the Department of Environmental Protection Standard Operating Procedures for Field Activities (DEP-SOP-001/01), which is available at <http://www.floridadep.org/labs/qa/2002sops.htm>.
- (10) If the concentration for any constituent listed in Permit Condition 7.b.(3) in the natural background quality of the ground water is greater than the stated maximum, or in the case of pH is also less than the minimum, the representative natural background quality shall be the prevailing standard.
- (11) Ground water monitor wells shall be purged prior to sampling to obtain a representative sample.
- (12) All piezometers and wells not part of the approved ground water monitoring plan are to be plugged and abandoned in accordance with Rule 62-532.500(4), F.A.C., unless there is intent for their future use.
- (13) The Contractor shall provide verbal notice to the Department as soon as practical after discovery of a sinkhole within an area for the management or application of wastewater or sludge. The Contractor shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department in a written report within 7 days of the sinkhole discovery.
- (14) Ground water monitoring test results shall be reported on Part D of DEP Form 62-620.910(10) and shall be submitted for each calendar quarter as specified in Condition 6.b. above.
- (15) The ground water zone of discharge shall extend horizontally along the ground surface to the property line, as depicted in Figure 2, and to the base of the surficial aquifer.
- (16) The Contractor's discharge to ground water shall not cause a violation of water quality standards for Class G-II ground waters at the boundary of the zone of discharge in accordance with Rules 62-520.400 and 62-520.420, F.A.C.
- (17) The Contractor's discharge to ground water shall not cause a violation of the minimum criteria for ground water specified in Rule 62-520.400, F.A.C., within the zone of discharge.
- (18) The Contractor shall install a minimum of one piezometer station on the northeast corner, west, and southeast sides of the gypsum stack within 90-days from the effective date of this Administrative Agreement. A piezometer station shall be composed of one piezometer on the upgradient side and one piezometer on downgradient side of the slurry cut-off wall at the same site.
- (19) Upon completion of installation of the piezometers referenced in Condition 7.18. above, the Contractor shall monitor the piezometers quarterly for groundwater levels to determine cut-off wall performance and submit the results to the Department with the other groundwater data as per Condition 6.a. above.

8. Operation and Maintenance Requirements - Interim

a. Operation of Treatment and Disposal Facilities

- (1) The Contractor shall ensure that the operation and maintenance of the phosphogypsum stack system during closure and long-term care of this facility is in accordance with Rule 62-673, F.A.C.
- (2) The Contractor shall ensure that the operation of the pollution control facilities described in this Administrative Agreement shall be under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control.
- (3) The Contractor shall ensure that all aboveground impoundments are operated, maintained and inspected in accordance with Rule 62-672, F.A.C.

b. Record keeping Requirements

The Contractor shall maintain the following records on the site of the Piney Point facility or other Department approved location and make them available for inspection:

- (1) Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken.
- (2) Copies of all reports, other than those required in item (1) of this section, required by this Administrative Agreement for at least three years from the date the report was prepared, unless otherwise specified by Department rule.
- (3) A copy of this Administrative Agreement.
- (4) A copy of any required record drawings.
- (5) Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedule.

9. Compliance Schedules and Self-imposed Improvement Schedules - Interim

- a. The Contractor shall complete the closure of the phosphogypsum stack system, including the treatment and removal of all process water, in accordance with the requirements of F.A.C. Rule 62-673 and provisions of the Contract.
- b. Within thirty days of completion of construction for the closure of the unlined phosphogypsum stack system, the Contractor shall submit to the Department a completed "Certification of Completion of Construction" (DEP Form 62-620.910(12)) signed and sealed by the engineer of record or other engineer registered in the state of Florida.
- c. Record drawings shall be prepared by the Contractor and made available in accordance with Rule 62-620.410(6), F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting within six months of closing the phosphogypsum stack system.
- d. The Contractor shall have aerial photographs of the complete phosphogypsum stack system taken annually, including process water and stormwater impoundments, and within 60-days following closure of the phosphogypsum stack system. Upon submittal of the first closed phosphogypsum stack system aerial, the frequency for submitting aerial photographs shall be annually thereafter. The aerial photographs shall be submitted to the Department as required in the schedule found in section 6.b. above and to the address listed in section 6.c.
- e. The Contractor shall submit to the Department an annual (calendar year) closure performance report for the phosphogypsum stack system. The report is to contain a detailed summary of all closure activities for the year, graphical summary with trend analysis of the previous four Quarters of ground water data for all of the monitor wells, and graphical summary with trend analysis of the discharge data for Outfalls 002 and 003. The Contractor shall submit the report to the Department, per Condition 6.c. above, no later than April 30th of the year following the reporting period.
- f. The Contractor shall notify the Department, in writing per Condition 6.c. above, no later than 30-days following completion of all construction activities for closure of the phosphogypsum stack.
- g. The Contractor shall annually report to the Department, following completion of phosphogypsum stack closure activities and per Condition 6.b. above, the piezometric water levels within the phosphogypsum stack.
- h. The long-term care period as described in Rule 62-673.630 will begin upon the Department's approval of the official date of closure for the phosphogypsum stack system.
- i. The Contractor shall submit a proposal for an appropriate Background Monitoring Station SWB-02 and Downstream Monitoring Station SWD-02, including an 8½" X 11" map showing both locations, for discharges from Outfall 002, within 30 days of the effective date of this Administrative Agreement. Upon review and approval by the Department, each shall be activated and monitored in accordance with the requirements of Conditions 5.n. and 5.c. above.

- j. Upon receipt of Department approval for the locations of Background Monitoring Station SWB-02 and Downstream Monitoring Station SWD-02 (Condition 9.i. above), the Contractor shall submit latitude and longitude coordinates for all of the Instream Monitoring Stations listed in Condition 5.o. to the address specified in Condition 6.c. above.
- k. The Contractor shall allow an inspection of all above grade impoundment dams to be conducted annually, during the months of January, February or March, by a third party professional engineer retained by the Receiver who is registered in the State of Florida and experienced in the field of construction and maintenance of dams. A copy of the inspection report, signed and sealed by the inspecting engineer, shall be furnished to the Department on or before April 30th of each year.
- l. The Contractor shall ensure that all activities required to close the unlined cooling pond are in strict accordance with the applicable requirements as specified in Rule 62-673.610 F.A.C.
- m. The Contractor shall perform all construction activities required for closure in accordance with a quality assurance plan meeting the requirements of Rule 62-673.610(6)(i). The Quality Assurance Plan shall be implemented by and be the responsibility of a third party engineer registered in the State of Florida. A copy of the plan shall be kept onsite and made available to Department personnel upon request.
- n. Except for RO permeate having a discharge concentration of less than or equal to 1.0 mg/L ammonia nitrogen, and 2.0 mg/L total nitrogen, the Contractor shall cease all discharge of process water no later than March 31, 2007.

10. Other Specific Conditions

- a. Drawings, plans, documents or specifications submitted by the Contractor, not attached hereto, but retained on file at the Phosphate Management Program Office, are made a part hereof.
- b. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this Administrative Agreement, shall be signed and sealed by the professional(s) who prepared them.
- c. This Administrative Agreement satisfies Industrial Wastewater program requirements only and does not authorize any construction, modification and/or operation of this facility prior to obtaining all other approvals required by local, State and Federal agencies.
- d. If significant historical or archaeological artifacts are discovered at any time within the project site, the Contractor shall immediately notify the District Office and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R.A. Gray Building, Tallahassee, Florida 32301.
- e. The Contractor shall notify the Department's Phosphate Management Program within twenty-four hours of any problems that may seriously hinder compliance with this Administrative Agreement. Notification to the Department shall be by phone (813/744-6100, ext. 138) or facsimile (813/744-6457) if after working hours. The Department may require a detailed written report describing the problem, remedial measures taken to assure compliance and measures taken to prevent recurrence of the problem.
- f. The Contractor shall report all critical (having potential to significantly pollute surface or ground waters) spills of liquid or liquid-solid materials, not confined to a building or similar containment structure, to the Department by phone (813/744-6100, ext. 138) or facsimile (813/744-6457) if after working hours, within twenty-four hours after the discovery and submit a written report within forty-eight hours, excluding weekends, from the original notification. The written report shall include, but not be limited to, a detailed description of how the spill occurred, the name and chemical make-up (include any MSDS sheets) of the substance, the amount spilled, the time and date of the spill, the name and title of the person who first reported the spill, the area size of the spill and surface types (impervious, ground, water bodies, etc.) it impacted, the cleanup procedures taken and status of completion, and include a map or aerial photograph showing the extent and paths of the material flow. Any deviation from this requirement must receive prior approval from the Department.

11. Administrative Provisions

- a. If any event, excluding administrative or judicial challenges by third parties unrelated to the Contractor, occurs which causes delay or the reasonable likelihood of delay, in complying with the requirements of this

Administrative Agreement, the Contractor shall have the burden of demonstrating that the delay was or will be caused by circumstances beyond the reasonable control of the Contractor and could not have been or cannot be overcome by the Contractor's due diligence. Economic circumstances shall not be considered circumstances beyond the reasonable control of the Contractor, nor shall the failure of a contractor, subcontractor or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines be a cause beyond the control of the Contractor, unless the cause of the contractor's late performance was also beyond the contractor's control. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, the Contractor shall notify the Department orally at: 813/744-6100, extension 138 within 24 hours or by the next working day and shall, within seven calendar days of oral notification to the Department, notify the Department in writing at the address listed in Section 5.b., of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay and the timetable by which the Contractor intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of the Contractor, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. Such agreement shall adopt all reasonable measures necessary to avoid or minimize delay.

- b. Persons who are not parties to this Administrative Agreement, but whose substantial interests are affected by this Administrative Agreement, have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receiving notice of the Administrative Agreement. A copy of the Petition must also be mailed at the time of filing to the Department's Phosphate Management Office at 8407 Laurel Fair Circle, Tampa, Florida 33610-7355. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

- (1) The name, address, and telephone number of each petitioner; the Department's Administrative Agreement identification number and the county in which the subject matter or activity is located;
 - (2) A statement of how and when each petitioner received notice of the Administrative Agreement;
 - (3) A statement of how each petitioner's substantial interests are affected by the Administrative Agreement;
 - (4) A statement of the material facts disputed by petitioner, if any;
 - (5) A statement of facts which petitioner contends warrant reversal or modification of the Administrative Agreement;
 - (6) A statement of which rules or statutes petitioner contends require reversal or modification of the Administrative Agreement;
 - (7) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Administrative Agreement.
- c. If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in the Administrative Agreement. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Administrative Agreement have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receiving notice of the Administrative Agreement in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code. Mediation is not available for this proceeding.
 - d. The Contractor may, at its discretion, publish a Notice of Administrative Agreement in a newspaper of general circulation in the county in which the facility is located. The publication shall contain a description

of the property affected, and a notice of rights, which shall contain the language in Sections 10.b. and 10.c., above. Failure to publish may result in an extension of the time in which affected parties are allowed to file a petition for an administrative proceeding.

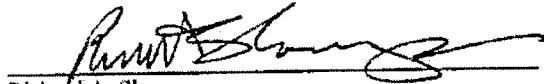
- e. The Contractor shall allow all authorized representatives of the Department and the Receiver's third party engineer access to the property at reasonable times for the purpose of determining compliance with the terms of this Administrative Agreement and the rules and statutes of the Department.
- f. All submittals required by this Administrative Agreement to be submitted to the Department shall be sent to the Florida Department of Environmental Protection as specified in Section 6. above.
- g. This Administrative Agreement is an agreement with the Contractor to recognize the Department's authority arising under Florida law to regulate the matters addressed herein. This Administrative Agreement is not a settlement of any criminal liabilities which may arise under Florida or federal law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under Florida or federal law.
- h. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes, or the rules promulgated thereunder for either past or future violations of the terms of this Administrative Agreement. Any subsequent enforcement action taken by the Department may result in an enforcement order requiring an acceleration of the deadlines for the requirements addressed in this Administrative Agreement through a subsequent Order of the Department and an imposition of administrative fines and civil penalties.
- i. The terms and conditions set forth in this Administrative Agreement may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this Administrative Agreement shall constitute a violation of Section 403.161(1)(b), Florida Statutes.
- j. Entry into this Administrative Agreement does not relieve the Contractor of the need to comply with applicable federal, state or local laws, regulations or ordinances.
- k. If data from the Bishop Harbor monitoring efforts indicates that changes in the discharge and operation limitations stipulated under the terms of this Agreement are needed to prevent adverse impacts, then this agreement may be modified as appropriate.
- l. This Agreement may be amended by mutual consent of the parties. No modifications of the terms of this Administrative Agreement shall be effective until reduced to writing and executed by both the Contractor and the Department.
- m. The Contractor acknowledges and waives its right to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, on the terms of this Administrative Agreement. The Contractor acknowledges its right to appeal the terms of this Administrative Agreement pursuant to Section 120.68, Florida Statutes, and waives that right upon signing this Administrative Agreement.
- n. This Administrative Agreement is a Final Order of the Department pursuant to Section 120.52(7), Florida Statutes, and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Florida Statutes. Upon the timely filing of a petition, this Administrative Agreement will not be effective until further order of the Department.

CDM CONSTRUCTORS, INC.
Piney Point Phosphates Plant

Facility No. FL0000124
FDEP File No. FL0000124-002-AA

Agreed to this 30th day of March, 2005, in Tallahassee, Florida.

FOR CDM CONSTRUCTORS, INC.:



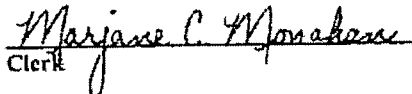
Richard A. Slovarp
Vice President
CDM Constructors, Inc.
13300 U.S. Highway 41 North
Palmetto, Florida 34221-8661

FOR THE STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

 Dep. D.A. Sec M.D.

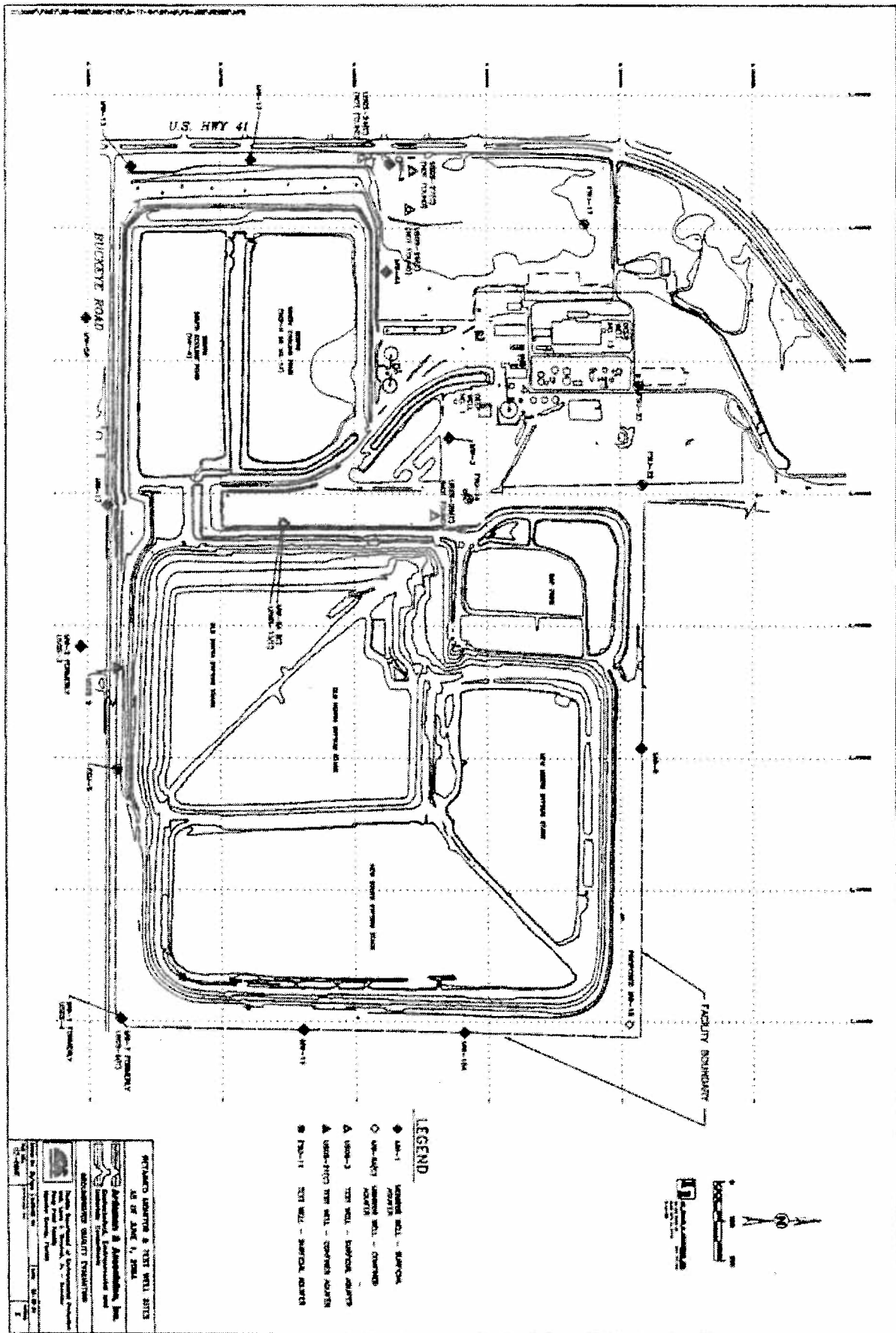
Mimi A. Drew
Director
Division of Water Resource Management
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

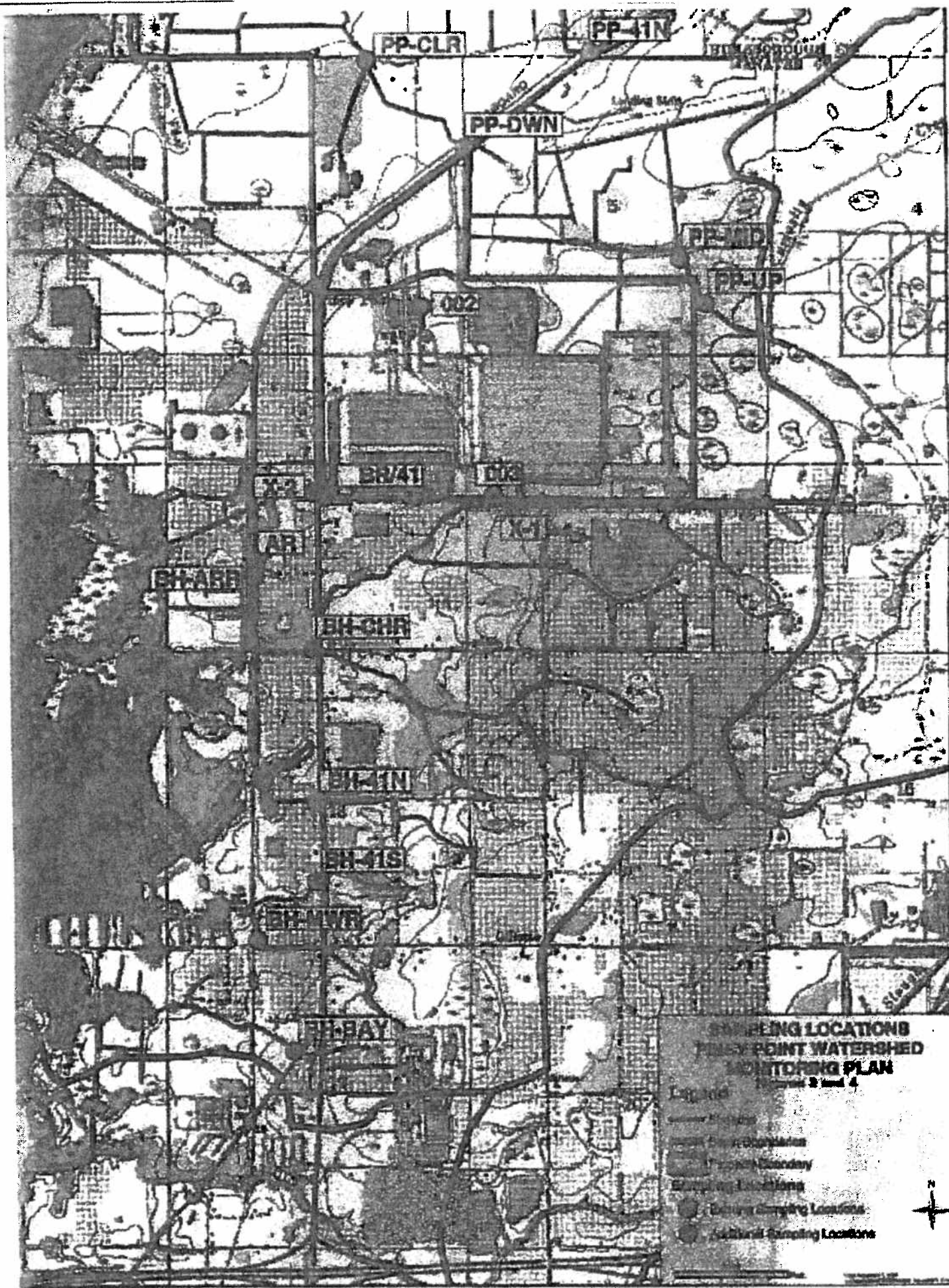
FILING AND ACKNOWLEDGEMENT FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

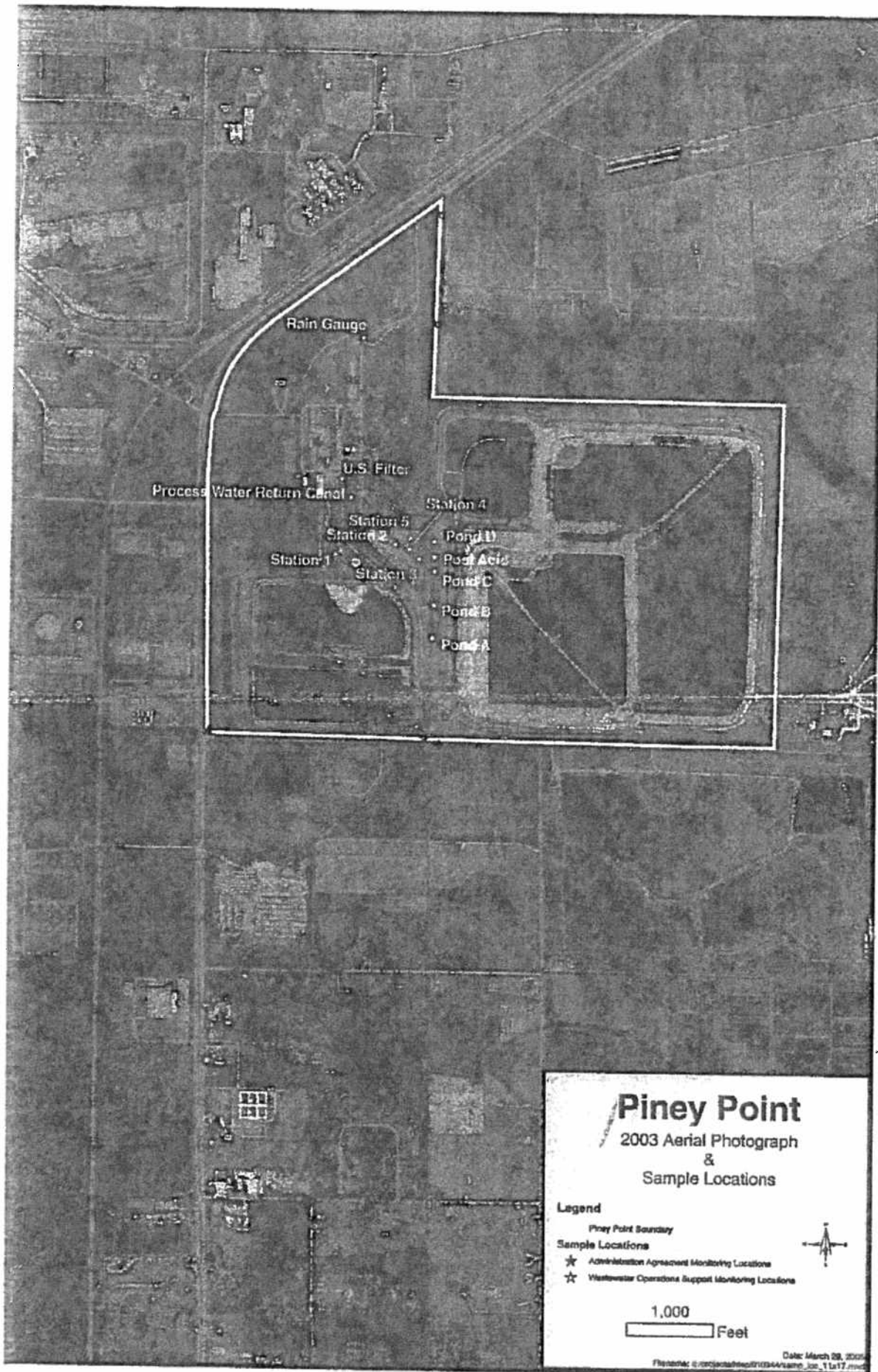

Clerk

March 30, 2005
Date

Copies furnished to:
FDEP - Office of General Counsel
U.S. Environmental Protection Agency - Region 4







Piney Point

2003 Aerial Photograph
&
Sample Locations

Legend

Piney Point Boundary

Sample Locations

- ★ Administration Agreement Monitoring Locations
- ★ Wastewater Operations Support Monitoring Locations



1,000

Feet

Date: March 28, 2004

Filename: c:\projects\map03\0344\sample_loc_1 to 17.mxd

